

Remarks

Claims 1-20 are pending in the application.

Claims 2, 3, 12 and 13 are rejected under 35 U.S.C. §112, ¶2, for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claims 1-20 are rejected under 35 U.S.C. §102(e) as being anticipated by Agarwal et al. (Agarwal) U.S. Pub. No. 2003/0101107.

Claims 5-7 and 15-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Agarwal as applied to claims 1-4, 8-14, and 18-20 above, and further in view of Huang U.S. 6,151,582.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or simply is clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., simply to avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, because a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims

has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. §112, ¶2

Claims 2, 3, 12 and 13 are rejected under 35 U.S.C. §112, ¶2, for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the Office Action raises the concern “it is not clear in terms of claim scope what the relationship is between the “warehouse configuration” and the “warehouse node” as both are selected from the plurality of nodes.

Regarding the relationship between the “plurality of nodes” and the “warehouse node(s),” the Applicants claim “at least one warehouse node *selected from* said plurality of nodes.” Defining “warehouse node,” the specification states a “‘warehouse node’ refers to any node of network 100 having a warehouse portion (i.e. capable of storing spare components)” (page 3, lines 26-28). Defining “warehouse configuration,” the specification states “the number of warehouse nodes in the network 100 is referred to herein as the ‘warehouse configuration’” (page 3, lines 28-29). The two claim elements are related to each other such that “a warehouse configuration includes at least one node” (page 4, line 1).

The Applicants believe the definitions and relationship between the claim elements in question are sufficiently described (at least) as indicated above. Hence, the Applicants respectfully submit that claims 2, 3, 12 and 13 are allowable under 35 U.S.C. §112.

Thus, the Applicants respectfully request the Examiner withdraw the rejection.

Rejection Under 35 U.S.C. §102

Claims 1-20 are rejected under 35 U.S.C. §102(b) as being anticipated by Agarwal. The rejection is respectfully traversed.

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention arranged as in the claim. The Agarwal reference fails to disclose each and every element of the claimed invention, as arranged in independent claim 1.

Specifically, the Agarwal reference fails to teach or suggest at least the limitation “obtaining availability parameters associated with an inventory of spare components” as included in independent claim 1. Regarding “availability parameters,” the specification states

“Availability parameters 210 include data that affects the availability of the spare components in the network. For Example, the availability parameters 210 may include failure rates, minimum repair times, restocking times, stockout probabilities, delivery times, and like type availability parameters known in the art” (page 5, lines 4-7)”

That is, the claimed “availability parameters” involve more than the mere physical quantity of spare parts on hand and anticipated demand thereof. As indicated above, they also include statistics relative to the probability of such parts subsequently becoming unavailable due to multiple other comprehensive factors. The Applicants respectfully submit that Agarwal does not take such concerns into account, but instead relies only on “when the inventory level of a product or products...at a particular location falls below a reorder point, the product may be replenished (see Agarwal, par. 18, lines 6-8).

Accordingly, the Applicants respectfully submit that independent claim 1 is not anticipated by Agarwal and is patentable under 35 U.S.C. §102. Independent claims 11, 19 and 20 recite relevant limitations similar to those recited in independent claim 1. Therefore, for at least the same reasons discussed above, these independent claims also are not anticipated by Agarwal and are patentable under 35 U.S.C. §102.

Because all of the dependent claims depending from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Agarwal.

Therefore, Applicants’ claims 1-20 are allowable over Agarwal under 35 U.S.C. §102. The Examiner is respectfully requested to withdraw the rejection.

Rejection Under 35 U.S.C. §103

Claims 5-7 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal as applied to claims 1-4, 8-14, and 18-20 above and further in view of Huang U.S. 6,151,582. The rejection is traversed.

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. 102 given Agarwal. Since the rejection under 35 U.S.C. 102 given Agarwal has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Huang supplies that which is missing from Huang to render the independent claims anticipated, these grounds of rejection cannot be maintained.

Therefore, Applicants' claims 5-7 and 15-17 are allowable over Agarwal as applied to claims 1-4, 8-14 and 18-20 above and further in view of Huang under 35 U.S.C. §103. The Examiner is respectfully requested to withdraw the rejection.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: _____

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